

STOKES
BARTHOLOMEW
EVANS & PETREE

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

NASHVILLE • MEMPHIS • MUSIC ROW

424 CHURCH STREET, SUITE 2800
NASHVILLE, TENNESSEE 37219-2386
(615) 259-1450 • FAX (615) 259-1470
www.stokesbartholomew.com

RECEIVED

2004 OCT 25 PM 3:46

TR A. DOCKET ROOM

CHARLES W COOK III
CCOOK@STOKESBARTHOLOMEW.COM

DIRECT DIAL (615) 259-1456
DIRECT FAX (615) 259-1470

October 25, 2004

Via Hand Delivery

Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re. In Re. Petition of Tennessee Independent Telecommunications Group, LLC d/b/a Iris Networks for Arbitration of a Collocation Agreement with Citizens Telecommunications Company of Tennessee L.L.C. or in the Alternative for Resolution of Complaint Against Citizens Regarding Denial of Collocation Request
Docket No. 400310

Dear Chairman Tate:

Enclosed for filing in the above-referenced proceeding are an original and thirteen copies of Citizens Telecommunications Company of Tennessee L.L.C.'s ("Citizens") Response to Petition and Motion to Dismiss.

Should you have any questions, please do not hesitate to call

Very truly yours,

STOKES BARTHOLOMEW
EVANS & PETREE P A



Charles W. Cook, III

CWC/eu
Enclosures

cc: Gregg Sayre
Mike Swatts

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF TENNESSEE)	
INDEPENDENT TELECOMMUNICATIONS)	
GROUP, LLC D/B/A IRIS NETWORKS)	
FOR ARBITRATION OF A COLLOCATION)	Docket No. 400310
AGREEMENT WITH CITIZENS)	
TELECOMMUNICATIONS COMPANY OF)	
TENNESSEE L.L.C. OR IN THE)	
ALTERNATIVE FOR RESOLUTION OF)	
COMPLAINT AGAINST CITIZENS)	
REGARDING DENIAL OF COLLOCATION)	
REQUEST)	

**CITIZENS TELECOMMUNICATIONS COMPANY OF TENNESSEE L.L.C.'s
RESPONSE TO PETITION AND MOTION TO DISMISS**

Citizens Telecommunications Company of Tennessee L L C. ("Citizens") respectfully submits this response to and motion to dismiss the above referenced petition filed by Tennessee Independent Telecommunications Group, LLC d/b/a Iris Networks ("Iris").

Iris has sought to interconnect with Citizens network pursuant to 47 U S C § 251 (c)(6). However, section 251(c)(6) is inapplicable to Iris to the extent IRIS is providing transport to interexchange carriers ("IXCs"). A reading of section 251(c)(6) in conjunction with section 251(g) makes it clear that collocation under the Telecommunications Act of 1996 ("The Act") is only available for physical interconnection of local (non-access) traffic and access to UNEs, while IXCs (and presumably their surrogates) are left to the pre-1996 access charge regime which includes Direct End Office Trunking for interexchange calls

In response to the petition referenced above and in support of the relief requested herein, Citizens states as follows

1 Citizens is an incumbent local exchange carrier (“ILEC”) as defined in T C A § 65-4-101, serving customers in White, Warren, Weakley, Putnam, and Cumberland counties in Tennessee. Citizens is regulated by the TRA pursuant to T C A §§ 65-4-101 and 65-4-104

2 Iris defines itself as a competitive access provider (“CAP”) or a “carrier’s carrier” that provides transport for CLECs and IXC’s, and it claims that it is “not a competitive local exchange carrier (“CLEC”) nor is it an interexchange carrier (“IXC”)” Petition, p. 2. However, Iris also acknowledges that it “provides transport for CLECs and IXC’s . . .” Petition, p. 5

3 The members/owners of Iris are as follows: Ardmore Telephone Company, Ben Lomand Rural Telephone Cooperative, Inc., Bledsoe Telephone Cooperative, DTC Communications, Highland Telephone Cooperative, Loretto Communications Services, Inc., North Central Communications, Inc., Scott County Telephone Cooperative, Twin Lakes Telephone Cooperative, United Telephone Company, and West Kentucky Rural Telephone Cooperative. (See Iris Application For Certificate of Public Convenience, TRA Docket No. 03-00581)

A. Iris’s Petition Should Be Denied Because Iris Is Not a CLEC And To The Extent That It Also Provides Transport For IXC’s.

4 According to Iris’ petition, Iris contends that Citizens “has a duty to provide Iris physical collocation of Iris’ equipment necessary to interconnect with Citizens at Citizens’ premises at its Cookeville central office on rates, terms and conditions that are just reasonable and non-discriminatory, pursuant to 47 U.S.C. § 251 (c)(6).

5 47 U.S.C. § 251(c)(6) states that an ILEC, such as Citizens has.

The duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations

47 U.S.C. § 251(c)(6)

6 47 U.S.C. § 251(g), which governs interconnection by IXC's, provides in pertinent part

On and after February 8, 1996, each local exchange carrier, to the extent that it provides wireline services, shall provide exchange access, information access, and exchange services for such access to interexchange carriers and information service providers in accordance with the same equal access and nondiscriminatory interconnection restrictions and obligations (including receipt of compensation) that apply to such carrier on the date immediately preceding February 8, 1996 under any court order, consent decree, or regulation, order, or policy of the Commission, until such restrictions and obligations are explicitly superseded by regulations prescribed by the Commission after February 8, 1996. During the period beginning on February 8, 1996 and until such restrictions and obligations are so superseded, such restrictions and obligations shall be enforceable in the same manner as regulations of the Commission.

47 U.S.C. § 251(g)(emphasis added)

7 As is evident from the language cited above, IXC's and CLEC's are treated differently under The Act with respect to their rights to interconnection. It is clear that section 251(c)(6) applies when interconnection is sought by a CLEC, and section 251(g) applies when interconnection is sought by an IXC. Iris claims that it is not a CLEC. In fact, Iris also acknowledges that it provides transport for IXC's. In connection with this Petition, Iris has not shown and cannot show that it is acting as a CAP for local carriers and has prospective CLEC customers who wish to provide local exchange service in Citizens' territory. Therefore, because

Iris is not a CLEC, and to the extent that it is not acting as a CAP for CLECs to exchange local traffic or to access UNEs, it is not entitled to rely on 47 U.S.C. § 251(c)(6)

8 If Iris is acting as a CLEC, then Iris needs a full interconnection agreement with Citizens. In such an event, Iris would need to demonstrate that it has appropriate CLEC authority and has filed or is filing local exchange service tariffs for Citizens' territory. Under those circumstances, Citizens would negotiate a collocation attachment to the interconnection agreement that would allow Iris to collocate solely for the purpose of exchanging local switched traffic with Citizens or for the purpose of accessing UNE loops at the central office in question. Although Iris does not appear to be requesting such an arrangement, that is all section 251(c)(6) requires Citizens to provide.

9 The history of Iris's requests makes it perfectly clear that it is acting as an unregulated entity on behalf of long distance carriers to try to establish an IXC point of presence ("POP") in Citizens' office for interexchange special access circuits. See the exchange of letters attached as Exhibit A. The reason behind Iris' request is that the normal special access route into Citizens' service territory runs via the Memphis tandem and requires payments to both Citizens and BellSouth along this long route. Iris and its IXC customers seek to bypass this route. The proper and fully legal way to accomplish this bypass is for Iris to build an interexchange facility to some place in Citizens' territory and establish it as a POP. Iris can do this at any time. What Iris is trying to do, and should not be permitted to do, is: (1) use Citizens' central office at cut rates to create a POP to further its interexchange special access business, and (2) convert an existing EAS route between this Citizens end office and Twin Lakes Telephone Cooperative (an owner of Iris) into an interexchange carrier bypass route.

10 Citizens has not allowed and will not allow IXCs to collocate and create a POP for the purpose of avoiding some of the costs and charges for special access circuits, and The Act does not require Citizens to do so. To the extent that Iris is seeking to provide transport for an IXC, it is attempting to obtain a benefit for its IXC customers that such IXC customers would not otherwise be entitled to receive. Therefore, Iris should be treated as an IXC for the purposes of its request.

B. Iris Is Not A Telecommunications Carrier As Defined By 47 U.S.C. § 153(44).

11 Iris also contends that 47 U.S.C. § 251 (c)(2) provides that the ILEC has

The duty to provide the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network.

47 U.S.C. § 251(c)(2)

12. 47 U.S.C. § 153(44) defines a "telecommunications carrier" as: any provider of telecommunications services. A telecommunications carrier shall be treated as a common carrier under this chapter only to the extent that it is engaged in providing telecommunications services, 47 U.S.C. § 153(44)(emphasis added) "[T]elecommunications services," "means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." 47 U.S.C. § 153(46).

13. Thus, if Iris is neither an IXC nor a CLEC, it is not offering telecommunications for a fee to the public or to such classes of users as to be effectively available directly to the public. If Iris were providing a telecommunications service, under §153(44) it would be regulated as a common carrier. However, Iris declares that it is neither an IXC nor a CLEC,

which means that it claims that it is not acting as a common carrier. It follows that Iris is not providing a telecommunications service, and is therefore not a telecommunications carrier.

CONCLUSION

For the reasons stated herein, Citizens requests that the TRA dismiss the Petition filed by Iris

Respectfully submitted,




Guilford F. Thornton (No. 14508)
Charles W. Cook, III (No. 14274)
STOKES BARTHOLOMEW
EVANS & PETREE, P.A.
424 Church Street, Suite 2800
Nashville, Tennessee 37219
(615) 259-1450

Attorneys for Citizens Telecommunications
Company of Tennessee, LLC d/b/a
Frontier Communications of Tennessee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was placed in the U S Mail first class postage prepaid addressed to D Billye Sanders, Waller Lansden Dortch & Davis, PLLC, 511 Union Street, Suite 2700, Nashville, Tennessee 37219-1760 on this the 25 day of October, 2004

A handwritten signature in black ink, appearing to read 'C. W. Cook, III', written over a horizontal line.

Charles W Cook, III



www.FrontierCorp.com

Rod Cameron

US mail 4-1-0

Legal Services
180 South Clinton Avenue
Rochester, NY 14646-0700

Tel: 585.777.7270
Fax: 585.263.9986
gregg.sayre@frontiercorp.com

February 2, 2004

Mr. Richard Ebner
Director of Sales
Iris Networks
211 Commerce Street
Suite 610
Nashville, TN 37201

RE: DS-3 Order over Twin Lakes/Citizens OC-12 Facility

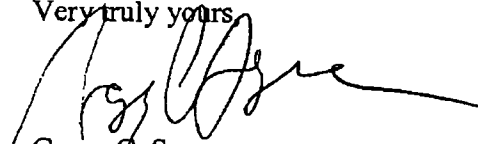
Dear Mr. Ebner:

Your letter to Mr. Mike Byrd of January 16, 2004 has been referred to me for response. We have some serious concerns with your request as follows:

1. These facilities were originally designed and built to provide only normal tandem/host switched and dedicated services between the Baxter and Cookeville switches, at a time when Twin Lakes' Baxter host office subtended Citizens' Cookeville tandem for all purposes. As it had a right to do, Twin Lakes rehomed Baxter's switched traffic to its own Gainsborough tandem, but it has continued to leave Baxter subtending Cookeville for special access purposes. This means that the facilities may be used at Twin Lakes' request for special access facilities that terminate in the area served by the Baxter switch, provided that the special access is jointly provided by Twin Lakes and Citizens. The facilities also provide a route for switched EAS traffic between customers in the Baxter and Cookeville areas, and are also used for two-way IntraLATA toll calls between Twin Lakes and Citizens customers, provided that the EAS and IntraLATA toll services are provided by either Twin Lakes or Citizens. They are not available for any other purposes other than those stated in this paragraph. In particular, the facilities are not available for Twin Lakes to provide switched service into the Citizens area from areas beyond what is IntraLATA toll to Cookeville, nor are they available for Twin Lakes to provide dedicated service into the Citizens area from areas beyond what is served by the Baxter switch, nor are they available for Twin Lakes to use for any other carrier's local, long distance, switched or special access traffic or services. These facilities were built for and are only available for services provided by Twin Lakes and Citizens, and we will not accept any orders from interexchange carriers such as Iris for service over these facilities. All orders must be placed by Twin Lakes and they must be orders for services within these guidelines.

2. It appears that you have managed to order two T-1 facilities over this OC-12 that do not meet these guidelines. We will not repeat our error in accepting an order from a carrier other than Twin Lakes. Moreover, from our investigation, it appears that the T-1 facilities terminate at our end in a cell tower, but extend on the Twin Lakes side of these facilities far beyond the Baxter service area and perhaps even beyond the LATA. Thus these T-1's would be an improper use of the OC-12 facilities even if they had been ordered by Twin Lakes. The appropriate way for any carrier including both Iris and Twin Lakes to order long distance special access facilities into the Cookeville area is over the normal interexchange carrier route into Cookeville. The facilities between the Cookeville tandem and Twin Lakes' Baxter switch are not available to establish a new interexchange carrier route for either switched or special access, especially where much of the switched traffic is neither measured nor billed. If you want interexchange switched or special access into Cookeville, you must either use the existing normal IXC route or establish a new interexchange carrier Point of Presence. We hereby demand that you replace these two T-1 facilities, G4/HCGS/207463 and G4/HCGS/207465, with appropriately ordered, routed and billed InterLATA special access facilities. We will not accept any further orders for such facilities. Your order for a DS-3 similar to the existing DS-1's is rejected.

Very truly yours,



Gregg C. Sayre
Associate General Counsel --
Eastern Region

GCS: hmj

cc: Don Jones - interco 2/4 @

WALLER LANSDEN DORTCH & DAVIS

A PROFESSIONAL LIMITED LIABILITY COMPANY

NASHVILLE CITY CENTER

511 UNION STREET, SUITE 2100

POST OFFICE BOX 198966

NASHVILLE, TENNESSEE 37219-8966

(615) 244-6380

FAX: (615) 244-6804

www.wallerlaw.com

WALLER LANSDEN DORTCH & DAVIS, LLP

AFFILIATED WITH THE PROFESSIONAL LIMITED LIABILITY COMPANY

520 SOUTH GRAND AVENUE, SUITE 800

LOS ANGELES, CALIFORNIA 90071

(213) 362-3680

D. Billye Sanders

(615) 850-8951

bsanders@wallerlaw.com

WALLER LANSDEN DORTCH & DAVIS

A PROFESSIONAL LIMITED LIABILITY COMPANY

809 SOUTH MAIN STREET

POST OFFICE BOX 1035

COLUMBIA, TENNESSEE 38402-1035

(931) 388-6031

March 2, 2004

Gregg C. Sayre

Associate General Counsel, Eastern Region

Frontier Communications

180 South Clinton Avenue

Rochester, NY 14646-0700

Re: Iris Networks' DS-3 Order over Twin Lakes/Citizens OC-12 Facility

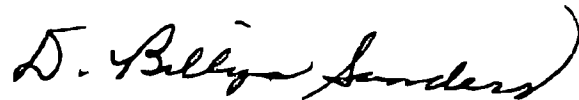
Dear Mr. Sayre:

Richard Ebner of Iris Networks has asked me to respond to your letter, dated February 2, 2004, regarding the above-referenced matter. In your letter you stated that your facilities between Baxter and Cookeville may be used only at Twin Lakes' request for certain limited services. Is there a legal or technical reason why Citizens will not allow Iris Networks to place a DS-3 order over these facilities? If so, please provide us with an explanation.

Mr. Ebner was told that there is a \$50,000 special construction charge in conjunction with ordering over the route that you suggest is the appropriate route into Cookeville. In his letter to Mike Byrd, dated January 16, 2004, he requested a breakdown of the \$50,000 charge, however he has not yet received this. Please provide us with information regarding the nature of the special construction required and a breakdown of the \$50,000 charge.

Thank you in advance for your cooperation.

Sincerely,



D. Billye Sanders

DBS/jpf

cc: Richard Ebner

March 24, 2004

D. Billye Sanders, Esq.
Waller Lansden Dortch & Davis
Nashville City Center
511 Union St., Suite 2100j
P.O. Box 198966
Nashville, TN 37219-8966

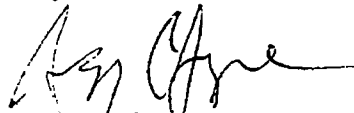
RE: IRIS Networks' DS-3 Request over EAS Facility

Dear Mr. Sanders:

In response to your letter of March 2, 2004, the facilities in question are an EAS route jointly owned by Twin Lakes and Citizens. These facilities are not available for third party traffic or for special access circuits to an end user in Citizens' territory. In order to reach an end user in Citizens' territory for a special access service, Iris must either set up an appropriate interexchange carrier Point of Presence (POP) in Citizens territory or order a jointly provisioned special access circuit from BellSouth and Citizens over the established interexchange carrier route into Cookeville, starting from a POP with BellSouth. It is long established and universal practice in the industry that an interexchange carrier is not free to use a switch-to-switch EAS circuit owned by two neighboring local exchange carriers for special access circuits, nor may it effectively designate such third party facilities as an interexchange carrier POP.

The \$50,000 figure that you mention in your letter was never a quotation or an offer, nor did it refer to the established interexchange carrier route into Cookeville. This number only came up in an informal discussion with Citizens' engineering staff and it is no longer on the table. We have not been requested to price nor have we priced facilities over the established route. The price for special access facilities over the established route for an FCC jurisdictional service would be pursuant to our FCC tariffs. Jurisdictionally intrastate special access facilities would be priced on an Individual Case Basis.

Very truly yours,


Gregg C. Sayre
Associate General Counsel –
Eastern Region

GCS: hmj

WALLER LANSDEN DORTCH & DAVIS

A PROFESSIONAL LIMITED LIABILITY COMPANY

NASHVILLE CITY CENTER

511 UNION STREET, SUITE 2100

POST OFFICE BOX 198966

NASHVILLE, TENNESSEE 37219-8966

(615) 244-6380

FAX: (615) 244-6804

www.wallerlaw.com

WALLER LANSDEN DORTCH & DAVIS, LLP
AFFILIATED WITH THE PROFESSIONAL LIMITED LIABILITY COMPANY
520 SOUTH GRAND AVENUE, SUITE 800
LOS ANGELES, CALIFORNIA 90071
(213) 362-3680

D. Billye Sanders
(615) 850-8951

billye.sanders@wallerlaw.com

WALLER LANSDEN DORTCH & DAVIS
A PROFESSIONAL LIMITED LIABILITY COMPANY
809 SOUTH MAIN STREET
POST OFFICE BOX 1035
COLUMBIA, TENNESSEE 38402-1035
(931) 388-6031

April 15, 2004

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Roderick Cameron
Interconnection Manager
Frontier Communications
180 South Clinton Avenue
Rochester, New York 14646

Re: Request for Collocation

Dear Mr. Cameron:

My client, Tennessee Independent Telecommunications Group, LLC d/b/a Iris Networks, is a competitive access provider/carriers' carrier certified by the Tennessee Regulatory Authority to provide services in the State of Tennessee. I am contacting you because Iris Networks would like to collocate in the Cookeville main central office of Frontier/Citizens in the State of Tennessee. Please contact me so that we may proceed with negotiating a collocation agreement.

Thank you in advance for your cooperation in this matter.

Sincerely,



D. Billye Sanders
Attorney for Iris Networks

DBS/hmd

cc: Ellen Bryson, Chief Manager



www.FrontierCorp.com

Red Cameron

Legal Services
180 South Clinton Avenue
Rochester, NY 14646-0700

Tel: 585.777.7270
Fax: 585.263.9986
gregg.sayre@frontiercorp.com

VIA FACSIMILE (615) 244-6804 AND U.S. MAIL

May 11, 2004

D. Billye Sanders, Esq.
Waller Lansden Dortch & Davis
Nashville City Center
511 Union St., Suite 2100j
P.O. Box 198966
Nashville, TN 37219-8966

RE: IRIS Networks' DS-3 Request over EAS Facility

Dear Ms. Sanders:

In response to your letter of April 15, 2004, IRIS as an unregulated carrier's carrier has no greater rights than a regulated interexchange carrier. Unregulated entities have no more standing than an end user. The basis of our position is that under our tariffs, special access circuits must have an established Point of Presence (POP) or a customer premises at each end. The EAS trunks between Twin Lakes and Citizens are neither an established POP nor a customer premises for purposes of a special access circuit terminating in Citizens' territory. Neither an end user nor an interexchange carrier may order an access circuit beginning at some arbitrary point on Citizens' network.

The only exception to this rule is when two adjoining ILECs establish an agreement to use a designated route for jointly provided special access. It would be extremely unusual to have two different routes into the same territory with two different ILECs. We have no arrangements with Twin Lakes for jointly providing special access circuits over these facilities to a location in Citizens' territory and therefore will not accept orders for special access circuits of this kind and over the EAS route. We do have an arrangement with BellSouth for jointly providing special access circuits into our territory, which I have referred to as the "established route," addressed below.

In response to your pricing question, our prices for service over the established route are as follows:

DS3 from the Bellsouth/Citizens meetpoint to Cookeville:

- Monthly recurring charge: \$5,078.40
- Nonrecurring (one time) charge: \$3,825.00

D. Billye Sanders, Esq.

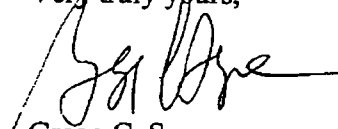
May 11, 2004

Page 2

These charges do not include BellSouth's charges. You would need to get those directly from BellSouth.

If IRIS wishes to fan out the DS3 in Cookeville to a number of DS1 circuits, the multiplexing charges would be a \$1,400 monthly recurring charge and a \$1,297 nonrecurring charge. There would be additional charges for the DS1 circuits from the point of multiplexing to the end user locations. These charges would depend on where the DS1 circuits would terminate in terms of mileage and whether special construction would be required.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Gregg C. Sayre", written over a horizontal line.

Gregg C. Sayre
Associate General Counsel –
Eastern Region

GCS: hmj

WALLER LANSDEN DORTCH & DAVIS

A PROFESSIONAL LIMITED LIABILITY COMPANY

NASHVILLE CITY CENTER
511 UNION STREET, SUITE 2100
POST OFFICE BOX 198966
NASHVILLE, TENNESSEE 37219-8966

(615) 244-6380

FAX. (615) 244-6804

www.wallerlaw.com

WALLER LANSDEN DORTCH & DAVIS, LLP
AFFILIATED WITH THE PROFESSIONAL LIMITED LIABILITY COMPANY
520 SOUTH GRAND AVENUE, SUITE 800
LOS ANGELES, CALIFORNIA 90071
(213) 362-3680

D. Billye Sanders
(615) 850-8951
billye.sanders@wallerlaw.com

WALLER LANSDEN DORTCH & DAVIS
A PROFESSIONAL LIMITED LIABILITY COMPANY
809 SOUTH MAIN STREET
POST OFFICE BOX 1035
COLUMBIA, TENNESSEE 38402-1035
(931) 388-6031

July 21, 2004

Mr. Roderick Cameron
Interconnection Manager
Frontier Communications
180 South Clinton Avenue
Rochester, New York 14646

Re: Request for Collocation

Dear Rod:

This letter comes as a follow up to your letter dated April 27, 2004 and our conference call on May 25, 2004, which included Gregg Sayre and Richard Ebner, regarding Iris' request for collocation in Citizens Cookeville Central Office. After reviewing your correspondence and considering your position on the call, Iris is still of the opinion that Citizens is required to allow Iris to collocate pursuant to Section 251(c)(6) of the Telecommunications Act. Collocation under Section 251(c) is not limited to competitive local exchange carriers (CLECs). Incumbent LECs have the duty to provide collocation to telecommunication carriers. Therefore, Citizens should not refuse the collocation request of a telecommunications carrier such as Iris. Iris seeks to collocate in Citizens' Cookeville Central Office in order to pick up traffic from Citizens and other carriers for transport and to hand off traffic that it has transported to Cookeville to Citizens and other carriers. Iris prefers to use its own facilities to transport in and out of your Cookeville Central Office and therefore does not want to pay to use Citizens network for transport into or out of your facility. Iris does not, nor does it intend to complete calls to end-users. Citizens would continue to earn its normal tariffed rates for switching and completing calls.

Mr. Sayre indicated that Citizens would provide Iris transport service into its Cookeville Central Office pursuant to 47 § USC Section 251(g) using Citizens' entrance facilities at its tariff rates. However, as stated above, Iris wishes to use its own facilities. Further, Section 251(g) pertains to the provision of exchange access, information access, and exchange services by a local exchange

July 21, 2004

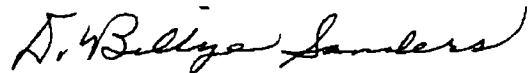
Page 2

carrier to interexchange carriers and information service providers. Iris is not an interexchange carrier or an information service provider. Iris is a telecommunications carrier that provides long haul transport and is entitled to collocation under Section 251(c)(6). Iris is licensed by the Tennessee Regulatory Authority (TRA) and as indicated in our telephone conversation, BellSouth has entered into a collocation agreement with Iris, which has been approved by the TRA.

We hope you will reconsider your position and voluntarily allow Iris to collocate in your Cookeville Central Office.

Thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, reading "D. Billye Sanders".

D. Billye Sanders
Attorney for Iris Networks

DBS/hmd

cc: Gregg Sayre, Esq.
Ellen Bryson
Richard Ebner



www.FrontierCorp.com

Rod Cameron

Legal Services
180 South Clinton Avenue
Rochester, NY 14646-0700
Tel: 585.777.7270
Fax: 585.263.9986
gregg.sayre@frontiercorp.com

August 2, 2004

Ms. D. Billye Sanders
Waller, Lansden, Dortch & Davis
Nashville City Center
511 Union Street, Suite 2100
P.O. Box 198966
Nashville, TN 37219-8966

RE: Iris Request for Collocation

Dear Ms. Sanders:

In response to your letter of July 21, 2004, your description of Iris is contradictory, but under neither description is Iris entitled to collocation.

On page 1 of your letter you state that Iris is a telecommunications carrier entitled to collocation pursuant to section 251(c)(6) of the Telecommunications Act. You imply that Iris is not acting as a CLEC by stating that section 251(c)(6) is not limited to CLECs. If Iris is a telecommunications carrier and not a CLEC, it must be an interexchange carrier. However, on page 2 of your letter you state that Iris is not an interexchange carrier. Our understanding is that in our service territory, Iris would not be acting as a regulated carrier of any kind.

If Iris is acting as a CLEC, then Iris needs a full interconnection agreement. We would expect Iris to demonstrate that it has appropriate CLEC authority and has filed or is filing local exchange service tariffs covering our territory. Under those circumstances we would negotiate a collocation attachment to the interconnection agreement that would allow Iris to collocate solely for the purpose of exchanging local switched traffic with Citizens or for the purpose of accessing UNE loops at the central office in question. Under FCC decisions, each voice grade channel on a UNE loop must have an associated local exchange service. We do not think that this is what Iris is requesting. This, however, is all section 251(c)(6) requires us to provide.

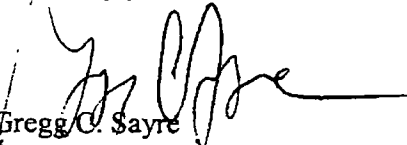
If Iris is acting as an interexchange carrier contrary to your statement on page 2 of your letter, we do not agree that the Telecommunications Act requires us to open our central office for Iris to establish an interexchange carrier Point of Presence (POP). The Telecommunications Act preserves the access charge regime until changed by the FCC per section 251(g), and section 251(c)(6) is clearly limited to collocation facilities for CLECs. We do not permit interexchange carriers to collocate and create a POP for the purpose of avoiding some of the charges for special access circuits, and the Act does not require us to do so.

If Iris is acting as an unregulated interexchange transport provider, Iris is not a "carrier" of any kind under the Act; it is equivalent to an end user. We are not required to allow end users to collocate and respectfully decline this request. If Iris is not acting as a CLEC, it needs to find its own real estate.

The fact that Iris has a collocation agreement with BellSouth shows only that Iris is acting as a CLEC in BellSouth's territory, or that BellSouth is intentionally or unintentionally allowing unregulated interexchange transport providers to collocate. This does not convince us that Citizens is required to allow Iris to collocate in Citizens' territory.

In response to your discussion of section 251(g), Citizens' tariffed access charges apply to interexchange carriers and end users alike, and in fact they also apply to CLECs that are using circuits for interexchange rather than local services. Whether or not Iris is an interexchange carrier, and whether or not Iris is any kind of carrier, collocation is not available as a mechanism to avoid access charge rate elements for the provision of interexchange service.

Very truly yours,



Gregg C. Sayre
Associate General Counsel –
Eastern Region

GCS: hmj